

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

Todd Vance, individually and on behalf of §
all others similarly situated, §
§
Plaintiff, §
§
v. § Case No. 5:21-cv-00974-JKP-ESC
§
HVH Homes, LLC, a View Homes §
Company d/b/a Armadillo Homes, §
§
Defendant. §

**JOINT STIPULATION OF DISMISSAL WITH PREJUDICE
PURSUANT TO RULE 41(a)(1)(A)(ii)**

Plaintiff Todd Vance (“Plaintiff” or “Vance”) and Defendant HVH Homes, LLC (“Defendant” or “HVH”) pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, hereby stipulate that the above-captioned action be dismissed with prejudice, with each Party to bear his or its own attorney’s fees and costs.

Plaintiff has reached a Confidential Settlement Agreement with Defendant to resolve all of his claims against Defendant in this lawsuit brought pursuant to the federal Fair Labor Standards Act (“FLSA”).

The United States Court of Appeals for the Fifth Circuit has held that judicial approval of a FLSA settlement is not required when the parties are represented by counsel and there is a mutual settlement of a bona fide dispute as to the amount of hours worked as opposed to a waiver of a plaintiff’s substantive FLSA rights. *Bodle v. TXL Mortg. Corp.*, 788 F.3d 159, 164-65 (5th Cir. 2015); *Martin v. Spring Break ’83 Prods., L.L.C.*, 688 F.3d 247, 257 (5th Cir. 2012).

Here, Plaintiff and Defendant, each represented by counsel, jointly stipulate that they have

reached a mutual resolution of bona fide disputes between Plaintiff and Defendant relative to the FLSA. Accordingly, Court-approval of the settlement is not required in order to dismiss this lawsuit.

There are no pending motions in this lawsuit as to any Party herein, and the Court has not certified a collective action.

Counsel for all Parties have signed this stipulation below. As such, this stipulation of dismissal with prejudice is appropriate pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, and no Order from the Court dismissing the above-captioned action is necessary in order to effectuate dismissal of this action.

Dated: January 19, 2022

Respectfully submitted,

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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

On January 19, 2022, I filed the foregoing document with the Clerk of Court for the United States District Court for the Western District of Texas using the CM/ECF method. I certify that all counsel of record were served electronically thereby or by another method authorized by the Federal Rules of Civil Procedure.

s/Melinda Arbuckle

Melinda Arbuckle